[1st November 1932

A.—(*a*) The Government do not find any necessity for the expert opinion suggested.

(*b*) Investigations have been made in 38 cases. It is left to the District Magistrate concerned to decide what the nature of the investigation should be according to the circumstances. The Government have no information as to the nature of the investigation in each case.

(*c*) & (*d*) A report has been received from the District Magistrate from which it appears prima facie that force in excess of the requirements of the situation was used in two cases. Some further information has been called for with a view to the taking of such disciplinary action as may be necessary.

Alleged beating of Mr. Vittappa Prabhu on 14th May 1932 at Mangalore.

* 254 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that one Vitappa Prabhu was beaten mercilessly by the police of Mangalore when he was in police custody and was being escorted by them from near the market to the police station on 4th May 1932;

(*b*) whether he is an in-patient in the Wenlock Hospital, Mangalore, and whether any certificate has been given to him by the District Medical Officer, Mangalore; if so, whether the hon. the Home Member will be pleased to place a copy of the same or a copy of a statement of the District Medical Officer showing the number of injuries and their nature on the table;

(*c*) whether it is a fact that he has about two fractures caused by the beating; and

(*d*) what action have the Government taken or propose to take in the matter?

A.—(*a*) It is reported that he was beaten by the police when being taken to the police station on 4th May 1932.

(*b*) He was discharged from the hospital on 25th May 1932. The Government are not aware of any certificate given to him by the District Medical Officer.

(*c*) There was no fracture.

(*d*) The question of the disciplinary action to be taken is under the consideration of the Government who have called for further information.

Alleged flogging of certain forest satyagrahis.

* 255 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that 14 forest satyagrahis were sentenced to be flogged by the Joint Magistrate of Coondapur on 10th June 1932;

1st November 1932]

if so, what are the names and ages of the sentenced persons and the number of stripes awarded to each and whether medical aid was given to them after the execution of the sentence;

(b) whether any instructions have been issued by the Government either to the District Magistrate of South Kanara or the Joint Magistrate of Coondapur to award such sentences of flogging in such cases; and

(c) what is the policy of the Government in regard to flogging as a punishment and whether the Government propose to substitute this method of flogging in the place of the lathi and the cane?

A.—(a) Yes. Their names and other particulars are given in the annexed statement[a]. The Government have no information as to whether medical aid was given to them after the execution of the sentences.

(b) No.

(c) The policy of the Government is that the application of section 3 of the Whipping Act No. IV of 1909 should be confined in practice to cases in which both the status of the offender and the nature of the offence make the punishment of whipping suitable.

Mr. A. Ranganatha Mudaliyar:—"Are the Government satisfied that the infliction of flogging on these people is consistent with their policy enunciated in paragraph (c)?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"I have stated the policy of the Government. The hon. Member may draw his own conclusion."

Mr. A. Ranganatha Mudaliyar:—"The policy of the Government is that flogging should be avoided as far as possible, but here it seems to be a matter of routine. May I ask whether the Government are satisfied that the action of this Magistrate is in accord with their policy?"

Mr. U. C. Subrahmanya Bhatt:—"Does the Government think that in this case flogging was justifiable?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"I am not able to say anything more. I shall further examine this question."

Mr. Basheer Ahmed Sayeed:—"Does the Government sanction every case of flogging before the sentence is executed?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"No."

Mr. A. Ranganatha Mudaliyar:—"What was the offence for which these people were sentenced?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"I must ask for notice."

[a] Printed as Appendix VI on page 265 infra